

the same vote we make to train and fund the Syrian opposition forces will also be one to pass a CR to fund our government. I do not believe we should be forced to decide between funding our government and arming Syrian rebels in the same vote.

We should be ashamed for failing to pass appropriations bills to finance government operations for the fiscal year that starts 2 weeks from now, and more ashamed that for the sake of expediency—expediency because of an election coming up—that we are using a stopgap continuing resolution as a vehicle for authorizing major military activity that will have repercussions for generations to come.

Asking us to make this choice is a disservice to the American people. But if that is a decision I am forced to make—and I will say if that is a decision I am forced to make—it is one I am committed to making. I understand my vote will likely not be the deciding vote, but even if it were, I would still cast the same vote. I believe these votes should be separate and debated. We owe that to the American people. We have this time to do it. I believe with all my heart we have more than enough time to do this. I am prepared, as some of my colleagues, to stay in session so we can give the American people the debate and transparent transition they deserve.

We must learn from our past mistakes and we must not repeat them. I believe our country deserves this debate. Let me make it clear, I believe ISIS is a grave threat to the region and could become a direct threat to the United States. We must confront and defeat them. I just do not believe that arming the Syrian opposition forces is the correct approach, because I can foresee a Senate debate a few years from now—not that far off—I can see this coming about how to defeat the next group of Islamist terrorists we helped to train and install.

I have not come to this decision easily, and I know it comes with consequences, but I believe the people of West Virginia sent me to the Senate to make tough decisions and vote to do what is best for not only all West Virginians but for every American.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE EROSION OF THE SENATE

Mr. SESSIONS. Madam President, it brings me no pleasure to make the remarks I feel compelled to make today. I think it is important for us to understand how we, the Senate of the United States, are operating.

The Senate—the legislative body heralded by the late Senator Robert C. Byrd as the second great senate in history, the first being the Roman Senate—is being eroded beyond recognition by the tactics utilized by Senate Majority Leader REID and those who support him in that process.

Today is Constitution Day. It was Senator Byrd who moved legislation to declare today Constitution Day. Under that Constitution, there are two bodies in the Congress, the House and the Senate, and the Senate has always been known as the body where great debates are held, with an open ability to amend and discuss, and the great issues of the day are laid out. That is what we are about.

But the Senate has changed dramatically since I have been in the Senate, some 18 years, and not for the better—not for the better of the American people. It might be good for politicians, but it is not good for the American people and it is not good for the public interest, in my view.

As has been happening time and again, we are once again today, at night on the eleventh hour, being asked to vote for a spending bill before we recess. We have to recess, you see. Why? So Senators can go home to campaign, but we are being paid, whether we are here or back home or vacationing or whatever. Why don't we stay a few days longer if necessary? Oh, no. We have to get out of Washington and go back home and campaign.

This continuing resolution, covering a massive amount of spending that no Member can fully comprehend at this late hour and nobody can meaningfully analyze, scrutinize or investigate—once again, we are being asked to fund the entire government of the United States in one catch-all bill, with no opportunity for a single amendment. There is no way to improve the legislation or to engage in meaningful consideration of our financial status.

Aren't we facing a crisis financially? Hasn't the Congressional Budget Office told us we are on an unsustainable financial path? Yes. Are we going to discuss that at all? No. We are going to bring up this bill, vote it through, and go home and campaign.

This denies the American people the opportunity to know what is being passed and to analyze and hold their elected representatives accountable for their actions. So the American people can't comprehend or study what is behind this massive bill either.

Once again, as a tactic, this bill is being rushed through under the threat of a government shutdown. Without a funding mechanism, the government would shut down October 1 if we don't pass an appropriations bill to fund it because the Government of the United States cannot operate and spend a dime Congress hasn't appropriated. That is a fundamental constitutional power.

Yes, there is a problem out there. How did it happen that we are getting

toward the end of the session and nothing has been done? I will talk about that.

Why is this happening? Is it because we don't have time? No, it is not because we don't have time. The reality—and I will say this, and I have not been contradicted on it by any Member of this Senate, to my knowledge. It is not a lack of time. We haven't done anything this week or last week, and we have next week and the next week if need be. We can vote 20 times a day. It doesn't take a lot of time to vote. People can have their ideas to improve legislation and bring them up and argue for them and get an up-or-down vote, yes or no.

So why is this happening? The purpose is to protect Members from having to cast votes that their constituents might disagree with, to protect them from being placed on record one way or the other on important issues facing the Nation. That is the problem. It is politics first, sad to say. It just is.

We have not voted on a single appropriations bill in the Senate this year, not one. Not 1 of the 12 appropriations bills that are required to fund our government each year has come before the Senate. Committees are being bypassed, secret deals rule the day, and millions of Americans are thereby robbed of their ability to observe and participate in the legislative process. They are denied the ability to write their Senators and say: I hear you have an amendment coming up on thus and so. Vote for it or vote against it. That is all being eliminated in this process.

It has been so long since we followed the regular order, I think it is necessary for me to share with the people and our colleagues what is supposed to happen and what is not happening.

Each year Congress is supposed to pass a budget resolution which outlines the spending goals and limits for the upcoming year. Then, based on the spending levels contained in the budget resolution, the individual authorization committees are to report out authorization bills. For example, they are to review the Defense Department. We don't do that anymore. They are to review the Defense Department. We normally do a Defense authorization bill—but it hasn't been done this year—to authorize certain spending and policy changes, utilizing the expertise of the members of the committees to shape where the spending is supposed to go, laying out priorities, setting and making decisions about what we can afford and what we can't afford, evaluating whether programs are effective, to serve the citizens of the United States.

Isn't that what we are supposed to do? This is the way we eliminate waste, fraud, and abuse. This is the way we stop it.

After the authorization committees do their work, the Appropriations Committee actually is the one to fund the government. The subcommittees of the Appropriations Committee are tasked with producing appropriations bills for

each area of the budget, which are to be individually brought to the floor of the Senate, debated, and amended on the floor in the light of day before the American people. Each year the Senate is supposed to consider individually 12 appropriations bills. This gives each Member and their constituents a chance to review and analyze every line of the bill and to offer suggestions for saving money, improving efficiency, and better serving taxpayers—which we are failing to do and we need to do. We don't have a dime to waste, and we are wasting money regularly throughout our government, as anybody who has studied it knows.

Under the tenure of Senator REID, the budgeting process has been dismantled. We have only passed one budget in the last 5 years, although the Budget Act says we should pass a budget by April 15 every year. Our committees stand idle, and the floor is one run not for the high purpose of legislative debate but frankly as an extension of a Democratic political campaign committee.

So the Senate has ceased consideration of appropriations bills altogether, relying more and more on autopilot resolutions and catch-all continuing resolutions and omnibus spending packages.

When I first came to the Senate, almost every single Senate spending bill was debated. It was brought to the floor. A Senator was embarrassed if they didn't bring every bill to the floor. Sometimes they had two or three that couldn't be completed. They would be completed at the end and passed as an omnibus bill, and people would complain. Now none of them are passed—zero. We go year by year without debating a single stand-alone spending bill on the Senate floor. So a Senator has to ask, what are we here for?

One of the worst tactics the majority leader has used to suppress Senators' rights and block open debate is a technique called filling the tree. Under that tactic he uses his majority rights to keep Senators from offering amendments as representatives of their States and the American people.

Senator, a bill is coming on the floor, and you can't stand and give an amendment? Right, you cannot. He fills the amendment tree, we can't file another amendment, and he refuses to allow amendments to occur. His majority, having written the bill with President Obama—they move the legislation, and there is no real ability to challenge it.

It is not the way the Senate was supposed to be set up. The Senate was always to be set up to allow individual Senators and the minority rights to be able to influence legislation and to highlight what is in it.

Blocking amendments prevents this body from working its will, prohibits legislation from being improved, and protects Senators from being held accountable by the voters on the great issues of the day. I don't think there is

any doubt about that. And that is the reason it is being done.

But we can do things the right way. It absolutely can be done. Members ought to be able to offer amendments. It just turns into a real debate, and people get to push for the agendas they believe in and advocate for their position. Who knows, 10 years from today an agenda not popular today will be popular then. That is the way we are supposed to do it. Senators being prohibited from offering amendments keeps the Senate from being a critical sounding board for the issues of the day.

Our majority leader has used this tactic, filling the tree, 90 times during his tenure. To put this in perspective, the 6 previous majority leaders filled the tree only 49 times, all total. Mr. REID has filled the tree on 40 more occasions than all 6 previous majority leaders. This stops amendments from being voted on, from being offered, and that is what is happening.

The majority leader has shut down one of the most important functions that Senators exercise to defend and advance the interests of their constituents.

It doesn't stop there. The Senate is supposed to be Washington's cooling saucer. That is why on many important and controversial matters 60 votes are required to adopt a measure or to confirm a nominee, and, importantly, to change the rules of the Senate requires a two-thirds vote to move such a question towards final passage.

That is, a two-thirds vote is required to change the rules of the Senate. Thus the two-thirds vote threshold is critical because it ensures the rules have meaning, they have power, they apply, and in years to come will not be likely changed, and protect minority rights in the Senate. The rules will apply when parties are in power and when they are out of power. To change Senate rules requires a broad consensus across the body. This protects the rights of individual Senators to be heard on the issues of the day. It is a key component of the Senate's heritage of discussion and debate and openness.

Yet Mr. REID, in an exercise of brute political force, last year changed the Senate rules by a simple majority vote. He ignored the counsel of the Senate Parliamentarian who ruled his tactic was contrary to the rules of the Senate. The Parliamentarian is our pre-eminent protector of Senate practices, and over the years different Parliamentarians have done a good job. In one stroke the majority leader changed the nature of this august body, perhaps forever.

So today the Democratic Senators who empower Mr. REID and the Senators who give him power and support him are not even allowed to consider important legislation either, effectively. Republicans or Democrats cannot offer amendments. They cannot even fully debate the issues. Huge bills

are rushed through in the waning hours of a session. Systematically the rights of Senators to provide equal representation to each State are being dismantled.

But it gets worse still. As we know, President Obama has promised that after the midterms he would issue executive amnesty to 5 to 6 million people—immigrants who are unlawfully here, unlawfully entering the United States. This Executive order, Presidential order—fiat—amnesty—would include work permits for millions of illegal workers along with photo IDs and Social Security numbers, and it would include more guest workers. So businesses can bring in even more guest workers at a time of high unemployment and falling wages.

The President and the immigration lobbyists and business groups and activist groups are meeting secretly in the White House trying to implement through executive action the same disastrous, wrong policies that were rejected by Congress through the House of Representatives. The House said no to this. Once the public learned what was in the Senate amnesty and guest worker bill, they declared, no, no, no, and the House heard it. So the President is now conspiring to go around the Congress.

What did Mr. REID say? His duty is to represent the Congress, and we are a coequal branch with the executive branch and the executive branch doesn't have the power to change the immigration law that is in a law, in effect. The United States law says you cannot work in the United States—flat out, you cannot be hired if you are in the country illegally.

The President doesn't have any power to change that. The President can come back to the Senate and advocate it and see if he can pass that. But the Senate hasn't changed the law. You shouldn't be able to work in America if you are not lawfully here. Taking a job from a lawful immigrant? This is fundamentally wrong.

What does Mr. REID say about this? Does he defend the prerogative of Congress, the Senate? No, he doesn't. Instead, he has told the President to "go real big" and bypass Congress. Do the biggest amnesty you can do.

Majority Leader REID has blocked this Senate from considering the House-passed legislation that is sitting at the desk in this Senate that would stop the President from doing this. He would use legitimate congressional power to deny funding to execute any such bogus, unlawful amnesty plan. The Constitution and the American people's interests are at stake here. But Mr. REID is determined completely to ensure this executive amnesty happens anyway, and he is determined to do whatever he can to see that it does happen. The principles that govern our political system, separation of powers, and public debate are not important here at this time.

But, colleagues, I would note that we have to recognize Mr. REID does not operate all on his own. He operates with the support and empowerment of a Democratic Caucus that allows this to occur. We saw this vividly when I made a motion some weeks ago that would allow us to take action to stop the executive amnesty. I moved that we strike his filling the tree, remove it, clear the amendment tree, and allow new amendments to be brought up to stop executive amnesty. That would have been to bar the executive action, and every Senate Democrat voted with Mr. REID—except the Senator from West Virginia, Mr. MANCHIN—that would enable the President to go forward with his unlawful amnesty decree. It is unbelievable.

The posture we are in is the House has passed a bill that would stop the President from going forward, clearly. It has already passed the House of Representatives. It is sitting on our desk and the majority leader will not allow it to be brought up. Why?

He has the votes. Why doesn't he bring it up and vote it down? The reason is he wants to protect his Members. He believes in this policy. He is advocating this policy. But he thinks if he brings it up for a vote, his Members might find out that the people back home are not happy.

More than three-fourths of the American people believe the President is exceeding his authority if he goes forward with this executive amnesty. So why can't we have a vote on it? Because of politics. Protect our Members. They don't need to take tough votes. Let's get out of Washington and go home and play politics in our home State.

Nobody in the Senate Democratic Congress has spoken up to support the House bill. Some pretend or hope the President won't do it. What does that mean? Nothing.

But a vote means something. So let's vote. You are either for it or not.

Every Member who supports Mr. REID—and we will have another vote on this—is as much a supporter of President Obama's unlawful amnesty as if they were sitting in a room helping him sign the order.

This is the time. It is either stop now or it may never be stopped. We need to vote on it. People need to be held accountable. Every American needs to know where their Senator stands on the President's unlawful assumption of power to violate plain law of the United States to carry out a political agenda he has that the American people reject. It is that simple. It is about power and it is about politics and it is not about what is best for America.

All of us owe our constituents a full, open, and deliberative process where the great issues of the day are debated with their scrutiny and the people's scrutiny. We receive their input with our rights respected, our responsibilities honored, and our Senate strengthened in the process and respected in

the process. The democratic process is messy sometimes, sometimes contentious, and often difficult, but it is precisely this legislative tug of war, this back-and-forth, which forges a national consensus. People have to stick their necks out and say what they believe on important issues facing America.

It is a process our Founders utilized, men of the Enlightenment they were, to find what truth is. Truth, they believe and I believe, is an objective reality. Words have meaning. Principles are valid. Things are true and things are false. Their theory was you have a full and open, robust debate and everybody says more through that process. It is the best way for you to tell what the truth is, and based on what the truth is you can make a good judgment for what is best for America. It is the same theory we use in jury trials: cross-examination of witnesses, bring in evidence, 12 good men and women judge the evidence in an attempt to find what the truth is.

Some of this crowd today, this post-modern group, they don't even believe in truth, if you want to know the truth. While secret deals may appear to keep the trains running on time, they also keep them running too often in the wrong direction. Only through a renewed, open legislative process carried out in the full light of day can we clean up this government, forge a real national consensus, confront the difficult choices we face, achieve accountability in Washington, allow our Senators and Congressmen to be there on the front lines and sink or swim on how they perform.

We are not guaranteed office. The American people don't work for us, we work for them, and to act as we have in the past returns power thereby to the everyday citizen.

It is time for us to restore once again the great Senate of the United States.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND AND WATER CONSERVATION FUND

Mr. TESTER. Madam President, some of my colleagues will be coming to the floor later today to speak about the Land and Water Conservation Fund, and I am sorry I am not going to be able to join them, but LWCF is very important, especially to Montana, and so I want to make my voice heard this morning.

LWCF turned 50 earlier this month. Passed during the Johnson administration, LWCF harkens back to the time when folks reached across the aisle to conserve our treasured lands—treas-

ured lands that exist in all corners of our Nation.

LWCF has contributed to the protection of well-known places such as Rocky Mountain National Park and the Appalachian Trail, but it has also supported lesser known but equally spectacular places such as Cherokee National Forest in Tennessee, Sawtooth National Recreation Area in Idaho, and the Flathead National Forest in my State of Montana.

America is filled with amazing lands that make us stand in awe of their beauty, make us want to go out and explore, make us want to hunt, fish, and camp. We must make sure they are preserved for our future generations to enjoy just as we have been able to enjoy it.

From hunters and anglers to ranchers and sporting goods store owners, LWCF is a program that simply works. It uses the funds from offshore oil and gas receipts for a wide array of conservation programs. Some of these programs increase access to public lands, others preserve natural resources.

LWCF is also good for the economy. When people want to get out and enjoy the outdoors, they buy fly rods, tents, and hiking boots. The list goes on and on. Simply put, LWCF is an economic driver. America's outdoor economy generates nearly \$650 billion each year and supports nearly 6 million direct jobs in many of this Nation's smallest communities.

In Montana, a State with only 1 million people, outdoor recreation contributes nearly \$6 billion each year to our economic output and supports some 64,000 jobs in Montana. Outdoor recreation is a part of who we are as Montanans, and when I drive across the State, I often see vehicles with stickers in the back window that say, "Get Lost," but what those stickers are really saying is: I am headed to a trailhead and I am going to get lost in some of the wild places in Big Sky Country. This way of life is passed down from generation to generation and the LWCF helps us keep our outdoor heritage alive.

We have come to expect a vibrant outdoor economy and amazing places to explore, but we need to remember this didn't happen by accident. It isn't by chance that we get to enjoy water and breathtaking landscapes.

As one of my many heroes Teddy Roosevelt said: "We are prone to speak of the resources of this country as inexhaustible, this is not so."

We invest in our majestic national park system, preserve lands from Alaska to Florida, and we have millions of people dedicated to conservation nationwide. LWCF is a critical part of our conservation effort, and if it is not authorized, it will run out at the end of the next fiscal year. As of right now, LWCF will stop strengthening our economy as of October 1, 2015. We must fund and reauthorize LWCF so our treasured places can be preserved for another 50 years and well beyond.